REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 2, 4, 11, 13 and 21-22 are pending; Claims 2 and 11 are amended; Claims 21-22 are added; and no claims are canceled herewith. It is respectfully submitted that no new matter is added by this Amendment.

In the outstanding Office Action, Claims 2, 4, 11 and 13 were rejected under 35 U.S.C. §112, second paragraph; Claims 2 and 11 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,774,660 to Brendel in view of U.S. Patent No. 6,928,545 to Litai; and Claims 4 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Brendel and Litai and further in view of U.S. Patent No. 6,799,214 to Li.

With respect to the rejection of Claims 2, 4, 11 and 13 under 35 U.S.C. §112, second paragraph, the noted informalities have been addressed by the present Amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

With respect to the rejections of the claims under 35 U.S.C. §103, these rejections are respectfully traversed.

The applied art does not teach or suggest that when all the content servers are busy, the reception server estimates a waiting time until an available content server is obtained based on current busy states of the content servers and notifies the client of the estimated time, as recited in Claim 2 and similarly recited in Claim 11.

Instead, Brendel discloses in column 6 lines 20-58, that a load balancer receives incoming data packets transmitted over the local network from the network connection point. The load balancer determines an assigned server in the plurality of network nodes to respond to a request from the client contained in an incoming data packet. The load balancer transfers a connection to the client to the assigned server. The balancer network node containing the

5

load balancer is connected to the network connection point by the local network. Thus, the incoming data packets are routed to the balancer network node, but outgoing data packets bypass the balancer network node. A balancing means receives the list of network nodes containing the requested resource. It chooses as an assigned node, one of the network nodes in the list of network nodes. Thus, the load balancer chooses an assigned node based on the resources contained by each network node. The load balancer performs resource-based load balancing.

Litai discloses that a user at a client computer 16 who wishes to access the data stored on server 10, sends a request to server 12 to access the data via network 14. Server 12 identifies the user by a user identifier sent with the request, and determines whether the user is authorized to access the data. If the user is authorized to access the data, server 12 requests a ticket from ticket server 18.

Li teaches various Cache Portal mirror sites 126 that are typically assigned an expiration time when the content is first copied. According to Li, one reason for assigning expiration time is to ensure that mirrored content does not permanently occupy memory in the mirror site. Access to a mirror site located within the same network as the local or requesting end user 92 often results in faster access time. To facilitate this communication, content provider original site 96 maintains a Cache table 28 to keep track of the objects that have been copied into various mirror sites. As shown in the system of Fig. 2, when the end user 92 first requests access to a web page within the original site 96, content provider site 96 receives this request and determines a location of the end user 92.

Again, independent Claims 2 and 11 recite that when all the content servers are busy, the reception server estimates a waiting time until an available content server is obtained based on current busy states of the content servers and notifies the client of the estimated time. Thus, as neither Brendel, Litai nor Li, either alone in combination, discloses or suggest

6

the features recited in independent Claims 2 and 11, it is respectfully submitted that

independent Claims 2 and 11 patentably distinguish over the applied art. Claims 4, 13 and

21-22 define over the art of record for at least the reasons discussed above, as well as for the

additional features they recite. It is therefore respectfully requested that the rejection of the

claims under 35 U.S.C. §103(a) be withdrawn.

Consequently, in view of the foregoing discussion and present amendments, it is

respectfully submitted that this application is in condition for allowance. An early and

favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Kevin M. McKinley
Registration No. 43,794

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\KMM\PROSECUTION WORK\214406\214406-AMEND.DOC

7